

EXHIBIT "A"

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DEBORAH M. BERNSTEIN,

Plaintiff,

-vs-

HANDY RENT ALL CENTER, D/B/A
DURANTS TENTS & EVENTS,

Defendant.
_____X

CIVIL ACTION

DOCKET NO:

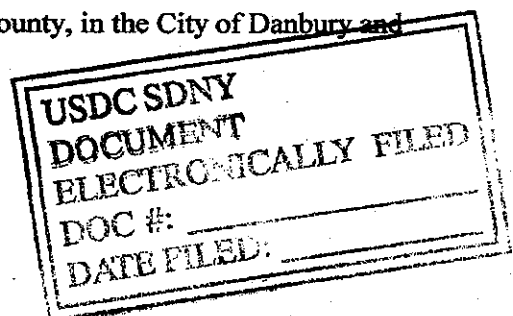
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FILED
U.S. DISTRICT COURT
2007 JUL - 3 A 9:48
S.D. OF N.Y. W.P.

Plaintiff, **DEBORAH M. BERNSTEIN**, by and through her attorney,
GREGORY W. BAGEN, for her complaint in the above captioned matter, alleges and shows as
follows:

FIRST: That at all times hereinafter mentioned, plaintiff, **DEBORAH M. BERNSTEIN**, resided and still resides in Brewster, County of Putnam and State of New York.

SECOND: That upon information and belief, as all times hereafter mentioned
defendant, **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS**, is a
Connecticut corporation with its principal office in Fairfield County, in the City of Danbury and
State of Connecticut.



THIRD: Basis for venue is 28 U.S.C. 1391. The claim arose in Putnam County, New York which is within the Southern District of New York.

JURISDICTION

FOURTH: Basis for jurisdiction is 28 U.S.C. 1332. The matter in controversy exceeds SEVENTY-FIVE THOUSAND and 00/100 DOLLARS (\$75,000.00) and is between citizens of different States.

BACKGROUND

FIFTH: That upon information and belief, at all times hereinafter mentioned, the defendant, **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS** was the owner of a party rental center.

SIXTH: That on the 11th day of June, 2005, at approximately 3 p.m., while plaintiff, **DEBORAH M. BERNSTEIN** was attending an affair at which defendant installed a tent in Brewster, New York. She stepped into a hole created by defendant and obscured by defendant.

SEVENTH: That the aforesaid loss was caused solely by the negligence of the defendant, **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS** and not by any reason of any negligence of the plaintiff contributing thereto.

EIGHTH: That defendant, **HANDY RENT ALL CENTER, D/B/A DURANTS TENTS & EVENTS** negligently, recklessly and carelessly dug holes, at the said time and place in that it did so without keeping a proper lookout for other users of the property; failed to give adequate notice of the hazard at site; failed to see whether there was adequate space for people to move with safety; failed to comply with the statutes of the State of New York relative to the construction of tents; covered the hole making it impossible to see and did not possess the requisite skill under the conditions extant.

NINTH: That as a result of the negligence of defendant, **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS** is responsible, the plaintiff, **DEBORAH M. BERNSTEIN** stepped in a hole, thereby, sustaining multiple injuries which included a multiple contusions and trauma. Plaintiff **DEBORAH M. BERNSTEIN** was rendered sick, sore and disabled, being caused to suffer great pain and mental anguish, all of which are of a permanent nature.

TENTH: By reason of the foregoing, plaintiff has been damaged in a sum in excess of \$75,000.00 to be determined by the trier of fact.

WHEREFORE, plaintiffs demands judgment against defendant **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS** in the said sum together with trial by jury and the costs and disbursements of this action.



GREGORY W. BAGEN

Attorney for Plaintiff

DEBORAH M. BERNSTEIN

317 Clock Tower Commons

P.O. Box 380

Brewster, New York 10509

(845) 279-7000